

Purpose

To comply with the Department of Human Resource Rules concerning leave.

Policy

This leave policy will explain the following types of leave:

- a. Annual Leave
- b. Sick Leave
- c. Converted Sick Leave
- d. Holiday Leave
- e. Leave Without Pay
- f. Worker's Compensation
- g. Funeral Leave
- h. Jury Duty Leave
- i. Military Leave
- j. Family Medical Leave
- k. Administrative Leave

LEAVE TYPE: General Conditions of Leave

- 1. No paid leave shall accrue or be granted to temporary, seasonal, or per diem employees. Leaders have the discretion to give leave benefits to AL (Time-limited Projects) employees.
- 2. Employees on annual, sick, funeral or paid military leave shall continue to accrue annual and sick leave at their regular rate.
- 3. An employee transferring from one department of state service to another is entitled to transfer all accrued annual, sick leave, and converted leave to the new department.
- 4. No employee may be allowed annual or sick leave with pay for any period of time beyond, or in advance of, time already accrued.
- 5. Full time employees will receive leave benefits in proportion to the number of hours they work in accordance with the tables provided in the Department of Human Resource Management Rules.
- 6. Permanent part time employees working a regular schedule of less than full time shall accrue a proportional amount of annual and sick leave in accordance with the tables provided in the Department of Human Resource Management Rules.

LEAVE TYPE: Annual Leave

1. Eligible employees shall accrue annual leave with pay based on the following years of State service:
 - a. Zero through five years -- four hours per pay period.
 - b. Beginning of sixth year through ten years -- five hours per pay period.
 - c. Beginning of eleventh year through twenty years -- six hours per pay period.
 - d. Beginning of twenty-first year or more - seven hours per pay period.
2. In determining accrual of annual leave, employment must have been permanent and may have been with more than one Department and need not have been continuous or full time.
3. Eligible employees may begin to use annual leave time after completing the equivalent of two full pay periods of employment.
4. Department leaders shall allow every employee the option to use annual leave each year for at least the amount accrued in the year. However, annual leave granted shall be approved in advance by the employee's leader.
5. Any unused accrued annual leave in excess of 320 hours shall be forfeited at the beginning of the first pay period of each calendar year. The first pay period usually takes place around the middle of January.
6. Employees terminating or retiring from State service shall be cashed out in a lump sum for all annual leave accrued through the last day actually worked. No leave-on-leave may accrue or be paid, nor shall contributions to benefits, other than FICA tax be paid on the cashed out annual leave.

LEAVE TYPE: Sick Leave

1. Sick pay is provided as insurance against loss of income when an employee is unable to perform his/her work because of illness or injury.
2. It is the responsibility of leaders to ensure that sick leave regulations are complied with and not abused. Abuse of sick leave privileges may be considered as grounds for disciplinary action.
3. Employees shall accrue sick leave with pay at the rate of four (4) hours each pay period. Sick leave shall accrue without limit.

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4. An eligible employee may begin to use accrued sick leave after having completed the equivalent of at least two full pay periods of employment.
5. Sick leave may be granted for preventive dental or medical care, maternity/paternity and adoption care, or because of illness, injury or temporary disability of a spouse or dependents living in the employee's home. Exceptions may be granted for other unique medical situations.
6. Each employee absent because of illness or injury shall arrange for a telephone report to his/her leader at the beginning of the scheduled work day they are absent. Management may require medical reports, such as back to work, approvals to return to work, etc., for illnesses or injuries prior to the employee returning to work.
7. Any application for a grant of sick leave to cover an absence which exceeds four (4) successive working days will be supported by administratively acceptable evidence such as a medical certification. If there is reason to believe that an employee is abusing sick leave, a leader may require an employee to produce a doctor's certification of illness regardless of the number of days on sick leave.
8. Sick leave shall not accrue during any period when an employee is on leave of absence without pay status. However, employees in a paid leave status shall continue to accrue sick leave.
9. Employees separating from State service may not receive compensation for accrued unused sick leave unless they are retiring. However, employees who are rehired within 12 months of separation shall have their previously accrued unused sick leave credit reinstated.
10. Any absence for illness beyond the accrued sick leave may continue under the following provisions: an approved leave-without-pay status not to exceed 12 months, an approved Family Medical Leave status, or in an annual or other accrued leave status as approved by the employee's leader.
11. After filing a termination notice, employees must support sick leave requests with an appropriate proof of illness which may include a doctor's certification and other documentation as requested by the Department.

LEAVE TYPE: Converted Sick Leave

As an incentive to reduce sick leave abuse, employees may convert a portion of unused sick leave to converted sick leave.

After an employee has accrued 144 hours of unused sick leave, he/she will become eligible in the next calendar year for the sick leave incentive program. During a calendar year in which the employee is eligible, any hours of unused sick leave accrued in excess

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of 64 will be transferred to the converted sick leave account and may be used in any one of three ways at the option of the employee.

1. It may be used for annual leave
2. It may be used as sick leave, or
3. It may be left in the converted sick leave account until retirement at which time at the discretion of the employee, it will be cashed out or will be converted into paid up health and medical insurance for employees under 65. If an employee is 65 years of age or older at the time of retirement, converted sick leave may be used to purchase a medicare supplement.

The purchase rate shall be eight hours of converted sick leave for the state paid portion of the premium for one month's coverage for health and life insurance.

The participation rate on premium payments for health and life insurance shall be the same as the participation rate for current employees on the same plan.

A maximum of 320 hours may be accrued in the converted leave account. Thereafter, excess hours may be left as regular sick or converted to annual. If converted to annual, they must be used within the year when accrued annual leave exceeds 320 hours.

LEAVE TYPE: Holiday Leave

An eligible employee shall accrue eight (8) hours paid holiday leave whenever a holiday occurs. Holiday leave normally will be taken on the holiday. The following have been designated legal holidays in the State of Utah. Offices will be closed, except as otherwise provided by law:

New Year's Day, January 1
Dr. Martin Luther King Jr. Day, third Monday of January
Presidents' Day, third Monday of February
Memorial Day, last Monday of May
Independence Day, July 4
Pioneer Day, July 24
Labor Day, first Monday in September
Columbus Day, second Monday of October
Veterans' Day, November 11
Thanksgiving Day, fourth Thursday in November
Christmas Day, December 25
Any day designated by the Governor as a legal holiday.

If an holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday.

However, those departments, divisions, institutions, and agencies of the State of Utah which deal directly with the public shall maintain a minimum staff on duty to facilitate necessary public contracts. If an employee is required to work on an observed holiday, the employee shall receive another day off, or shall receive compensation for the excess hours worked.

An employee must be in a paid status in the pay period in which the holiday falls.

Permanent part time employees who work a regular schedule of less than the standard number of hours in a pay period but at least 50% shall accrue holiday leave in proportion to the time worked in the pay period which includes the holiday.

Employees working compressed schedules shall receive a maximum of 88 hours of holiday leave in each calendar year. If the holiday falls on a regularly scheduled day off, employees on a compressed schedule shall receive an equivalent work day off, not to exceed eight hours or shall receive compensation for the excess hours at a later date.

LEAVE TYPE: **Leave Without Pay**

1. A career service employee may be granted continuous leave of absence without pay for up to 12 months from last day worked upon approval of his/ her written application by the Region/Group Leader and by the UDOT's Human Resources Office for reasons of benefit to the employee and the State. If absence is due to workers compensation or long-term disability check with the Human Resource Representation in the group/region in which the employee works, the Human Resources Office or with the DHRM rules.
2. A career service employee may be granted medical leave without pay for a period not to exceed twelve (12) months from the last day worked, for temporary disability or incapacity to perform duties, provided that the necessity for his/her absence from duty is verified by certification from a registered medical practitioner.
3. At the discretion of the Department, employees may be allowed to take leave-without-pay without exhausting annual or sick leave balances, except when taking Family Medical Leave. An employee may take up to ten consecutive working days without affecting the leave accrual rate.
4. Employees who receive no compensation for a complete pay period shall be responsible for payment of health insurance payments, unless they are covered by the provision under the Family Medical Leave.

5. Employees who return to work on or before the expiration of leave without pay, shall be placed in a position with comparable pay and seniority to their previously held position, provided the same or comparable duties can be performed with or without reasonable accommodation. The employee shall also be entitled to previously accrued annual and sick leave.
6. Leave without pay for non-disability reasons shall not be granted unless there is a positive expectancy that the employee will return to work at the expiration of such leave.
7. Health insurance benefits are discontinued under leave-without-pay status unless the employee personally continues the premiums. An exception to this is in case of work related injury or illness, long term disability, or as provided under the Family Medical Leave provisions.

LEAVE TYPE: Workers Compensation

See “Workers Compensation” Policy UDOT 05C–75. Additional information can be obtained from the Human Resource Representative for the employee’s group/region, DHRM rules, UDOT Risk Management Unit and/or the Human Resources Office.

LEAVE TYPE: Funeral Leave

A maximum of twenty-four hours funeral leave with pay per occurrence at management’s discretion shall be granted to employees to attend the funeral of a member of the immediate family. Such leave shall not be charged against accrued sick or annual leave.

“Immediate Family” shall mean: wife, husband, children, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparents, spouse’s grandparents, step-children, step-parents, brothers and sisters, step-brothers and step-sisters of the employee.

LEAVE TYPE: Jury Duty Leave

Each employee entitled to paid leave under these rules shall be entitled to leave of absence with full pay for such period of required absence when, in obedience to a subpoena or direction by proper authority the employee appears as a witness for the federal government, the State of Utah, or a political subdivision thereof or is called to serve on a jury, or as a witness in a grievance hearing. Witness or jurors fees paid to employees in a leave with pay status (other than annual leave) shall be returned to agency payroll clerks for deposit with the State Treasurer. The fees shall be deposited as a refund of expenditure in the low org. where the salary is recorded.

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Time absent by reason of subpoena in litigation not required by the employee's position to testify not in official capacity, but as an individual, shall be taken as annual leave or leave without pay.

LEAVE TYPE: Military Leave

1. Employees are required to give 15 calendar days of advance notice of active military service before such service begins. (For additional information contact the Human Resource Representative for the group/region.)
2. Employees who are members of the National Guard or Military Reserves with official military orders, without loss of pay or loss of annual or holiday leave, are entitled to military leave not to exceed fifteen (15) regularly scheduled working days per calendar year. One day of military leave is the equivalent of 8 hours. Employees may not claim salary for non-working days spent in military training or for traditional weekend training.
3. Upon termination from active military service, under honorable conditions, employees shall be placed in their original position or one of like seniority, status and pay. The cumulative length of time allowed for re-employment may not exceed five years. Employees are entitled to re-employment rights and benefits including increased pension and leave accrual. Persons entering military leave may elect to have payment for annual leave deferred. In order to be reemployed, employees shall present evidence of military service and leave without pay status, and:
 - a. For service less than thirty-one days, return at the beginning of the next regularly scheduled work period on the first full day after release from service taking into account safe travel home plus an eight-hour rest period, or;
 - b. For service of more than thirty-one days but less than 181 days, submit an applicant for reemployment within fourteen days of release from service, or,
 - c. For service of more than 180 days, submit an application for reemployment within ninety days of release from service.

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LEAVE TYPE: Family Medical Leave

In accordance with the Family and Medical Leave Act, employees are allowed to take up to twelve (12) weeks off each calendar year for the birth of a child, adoption of a child, placement of a foster child, a serious health condition of the employee or care of a spouse, dependent child or parent with a serious medical condition. Employees eligible under this rule shall continue to receive medical insurance benefits. Additional information is available from the Human Resource Representative in the region/group, the Human Resources Office and/or the DHRM Rules.

LEAVE TYPE: Administrative Leave

A permanent employee may be granted administrative leave with pay at the direction of the Region Director/Group Leader or designee for a period not to exceed ten (10) successive working days, any additional administrative leave must be approved by the Department's Human Resource Director or designee. Use of administrative leave is to be documented on an employee's leave record.